



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JLP:ddj

Docket No: 5227-99

23 November 1999

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 5354 RAP-24 of 28 October 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

5354

RAP-24

28 OCT 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]
[REDACTED]

Ref: (a) CO ltr 1300 S-1 of May 1998

1. We have reviewed [REDACTED] case and can find no documented reason for his involuntary transfer to the Individual Ready Reserve. Contact with the unit that instituted the transfer revealed no additional documentation beyond the reference. Due to personnel turnover at the unit there is no memory of what administrative actions were taken that resulted in his transfer.

2. [REDACTED] was discharged from the Marine Corps Reserve on 5 September 1999 and as a result his Service Record Book (SRB) has been forwarded to Headquarters, Marine Corps (HQMC). His record book is currently in transit and is not available for review at this time. A review of his Official Military Personnel File (OMPF) did not reveal any additional information.

3. During a period of Active Duty Special Works with the Marine Corps Reserve Support Command from 10 January 1999 to 18 September 1999, Mr. [REDACTED] was investigated for apparently destroying his SRB while it was in his possession. Although his End of Obligated Service was 6 June 1999, he was given a 3 month extension so that an investigation could be conducted. The investigation revealed that Mr. [REDACTED] had two Non-Judicial Punishments (NJP) and numerous page 11 entries for misconduct, throughout his military career. The investigation recreated the missing page 11 entries and forwarded those entries to HQMC for inclusion in his OMPF. The two NJPs were a result of writing bad checks and possessing a false government ID card. The page 11 entries included writing bad checks (a separate incident from the NJP), wearing uniform devices not authorized, disrespect towards a noncommissioned officer and being not recommended for promotion to sergeant.

4. Although no documentation was found to disprove the involuntary transfer claim, based on his record it is doubtful that Mr. [REDACTED] would have been recommended for promotion had he been in the unit.

Subj: ADVISORY OPINION IN THE CASE OF FORMER [REDACTED]
[REDACTED]

5. Point of contact is Major [REDACTED] at [REDACTED]
[REDACTED]

Colonel
U.S. Marine Corps
Branch Head
Reserve Affairs Personnel Plans
and Policy Branch